

MINUTES

PROPERTY AND RIGHT-OF-WAY COMMITTEE MEETING THURSDAY, MARCH 16, 2006, 10:00 A.M. CITY HALL 8TH FLOOR – COMMISSION CONFERENCE ROOM

Members Present:

Peter Partington, City Engineer
Tony Irvine, City Surveyor
Kathy Connor, Parks and Recreation Supervisor
Tom Terrell, Public Works Maintenance Manager
James Cromar, Planner III
Robert Dunckel, Assistant City Attorney
Julie Leonard, Assistant Utilities Services Director
Bob Dunckel, Assistant City Attorney

Staff Present:

Victor Volpi, Senior Real Estate Officer
Judy Johnson, Administrative Assistant I
Phil Thornburg, Parks and Recreation Director
Yvonne Redding, Planner II
Eileen Furedi, Clerk II

Guests Present:

Richard Tornese
Howard Warren
Donald Bastedo
Andrew Dittoe
Christian Klink
Michael Dumala
Scott Hendrix
Sarah Stewart
Bruce Herman
Alan C. Hooper
John Stephens

Peter Partington called the meeting at 10:10 a.m. and stated that this is a Committee with the responsibility of advising the City Commission on matters connected with City property.

ITEM ONE: APPROVAL OF FEBRUARY 16, 2006 MINUTES

**MOTION BY KATHY CONNOR TO APPROVE MINUTES. SECONDED BY TOM TERRELL.
MOTION PASSED UNANIMOUSLY.**

ITEM TWO: **IMPROVEMENTS IN RIGHT-OF-WAY**

Address or General Location: 201 SE 6 Street

Victor Volpi introduced item stating that Broward County Public Works and Transportation Department would like your positive recommendation to place planters with landscaping, bollards and other improvements, which are allowed (such as drainage, curb, gutter, sidewalk, stamped asphalt crosswalks, etc) in the right-of-way of SE 6 Street. He said these improvements are mainly for security purposes and would be much more aesthetically pleasing than the barriers that are there now. Victor Volpi introduced Richard Tornese.

Mr. Tornese said they previously met with Tim Welch in the Engineering Department and other security specialists in an effort to protect the courthouse and make it more pleasing to the eye. Mr. Tornese said they decided to use planters and benches, oak trees would be added, roads would be resurfaced, the crossing area would have stamping asphalt, sidewalks would be upgraded, and concrete barriers would be replaced.

Discussion followed as to the size of the footprint, the bike lane, the size of the planting area, the County maintaining the irrigation system and planter areas, keeping vehicles away from the courthouse, and placement of planters and bollards.

James Cromar asked if the crosswalks were signalized. Peter Partington replied that he was not concerned as the County is the City's traffic engineering agency. James Cromar asked about back out diagonal parking on the south side of the road. Peter Partington said he did not have a problem with that either. James Cromar said the Planning Department is developing a series of typical sections for downtown streets and suggested that the applicant speak with Wayne Jessup and Marc LaFerrier from the Planning Department, as to developing a consistent pattern throughout the City. James Cromar said they have been working on back out parking as well. Peter Partington asked if there was parallel-metered parking on the south side of the road. Mr. Tornese said yes. Peter Partington said he supports diagonal parking as you get more spaces.

Bob Dunckel said if the site is not owned fee simple, the City does not have the capacity to grant an easement. Kathy Connor suggested changing the use of the lane from vehicular to pedestrian. Bob Dunckel pointed out that the City would be open to residual liability exposure. Peter Partington asked the applicant who would be liable if someone ran into the planter. Mr. Tornese said it meets the clear zone. Peter Partington said it is in the right-of-way; therefore the City would be involved. Bob Dunckel said the responsibility would be with the County.

Victor Volpi expressed his concerns as to pedestrian crossing the road anywhere they want, using the area for pick up/drop off; and sitting on the planters. Mr. Tornese said they plan to put treatment on the outside so pedestrians are not able to go there and this could be incorporated into the plan.

Tony Irvine stated his concerns as to the City wanting to structure restrictions 25 years from now, the various problems occurring due to the County wanting to sell to a private entity and 6th Street not being adequate due to the vacation. Bob Dunckel said when the document is drafted, those issues would be taken into consideration.

Julie Leonard asked about storm drains in the area. Mr. Tornese said they previously met with Tim Welch to work out design, right-of way, and maintenance issues.

Bob Dunckel asked what utilities were in the area. Mr. Tornese said BellSouth, gas main, and water main. Tony Irvine asked the applicant to coordinate with Water Works 2011 regarding the water main.

Discussion followed as to planning, marking out safe bike lanes, pedestrian walkways, and coordinating with the different departments.

Bob Dunckel asked about the impaired ability to service the underground utilities since the City is looking at permanent improvements, and the feasibility of those underground utilities as part of the vacation. Bob Dunckel said the cost would be resting on the person holding the license, there would be indemnifications, the County is not going to indemnify the City, and they may not be willing to absorb some of the cost that the City would ordinarily impose upon the grantee of the license. Peter Partington said he believes that the utility easement cannot be structured in such a way as to minimize the City's cost involved. Bob Dunckel said the City's easement rights would be superior to their placement of the improvements over the utility easement.

Discussion followed as to the bollards and planters offering enough security to the building, where they would be placed, exposed areas and walkways, the bollards having been tested and approved by the Federal Government, and the bollards going into the ground approximately 6-feet.

Bob Dunckel asked if the Committee is agreeable to just retaining a utility easement if the vacation is approved.

Discussion followed as to applicant needing an engineering permit, the City Attorney's Office determining the mechanism to be implemented, the City Commission approval, and applicant meeting with Tim Welch and other City staff to work out the details.

Mr. Tonrese said Phase I includes: curb, sidewalk, street print, markings, and drainage, and Phase II includes: planters and bollards. James Cromar said there might be issues with the planters that should be addressed, and he would like to see the Planning Department be involved in the resolution and in future plans.

MOTION BY BOB DUNCKEL TO RECOMMEND APPROVAL OF THE PROPOSED REQUEST IN CONCEPT, SUBJECT TO THE CITY ATTORNEY'S OFFICE EVALUATING WHAT MECHANISM SHOULD BE UTILIZED TO IMPLEMENT THE PROJECT. SECONDED BY TONY IRVINE.

MOTION PASSED UNANIMOUSLY.

ITEM THREE: VACATION OF EASEMENT

Address or General Location: 4241 N Ocean Drive

Victor Volpi introduced item stating that it was withdrawn from the November 17, 2005, Property and Right-of-Way (PROW) Meeting, in order for the applicant to obtain approval from the Bermuda Riviera Homeowners Association (HOA). He said the Real Estate Office has since received a letter from Mel DiPietro, President, stating the HOA is in favor of the project. Victor Volpi introduced Christian Klink and Robert Lochrie with Ruden McClosky.

Mr. Lochrie said when the item was presented at the November 2005 PROW Meeting, there were concerns from the HOA regarding the overall plan, and he has been working with the applicant and the association and now has a new proposal. Mr. Lochrie explained that the item was a right-of-way that was vacated by the City some time ago, and there were several requests as part of the vacation ordinance. Mr. Lochrie said there was a rededication of the utility easement in that area, and a pedestrian easement was granted along the north side of the previous right-of-way to grant access for the neighborhood association to the west. Mr. Lochrie said the right-of-way was at about 20-feet at the two extremes and about 10-feet to the south. Mr. Lochrie said the applicant is requesting a vacation of the utility easement and will give additional dedications back to the City.

Bob Dunckel asked if the utility easement dedicated was for the full 35-feet. Mr. Lochrie said yes. Mr. Lochrie said the HOA was looking for a wider area, and Parks and Recreation Department felt the pedestrian access easement was not wide enough. Mr. Lochrie said the applicant would be providing the HOA with the full 18-feet, at the minimum width. Mr. Lochrie said the actual design and layout of the previous plan for the area would stay the same, with the exception of the sidewalk which was modified to provide for the requirements set forth by the City Engineering Department, the Parks and Recreation Department and the neighborhood, as there is a new development plan on the site. Mr. Lochrie said the exposed outdoor parking in the area has been removed and the Association's parking lot has been closed, with the exception of an access point. Mr. Lochrie said they are requesting the City Commission vacate the utility easement and the applicant will dedicate a temporary utility easement to the City to provide for the construction staging, while making the amendments to other utility lines. Mr. Lochrie said they would move the utility lines to the northern portion and dedicate a permanent utility easement at that point.

Bob Dunckel asked if a vacation of a utility easement should take effect after an engineer's certificate has been filed with relocation. Mr. Lochrie said they are agreeable to working out the wording with the City Attorney's Office. Mr. Lochrie said when the new lines are in and the utility easement is dedicated, the engineering certificate would be recorded finalizing the process. Tony Irvine asked about the engineering certificate for the right-of-way. Mr. Lochrie said it is pending.

Mr. Lochrie said the applicant is requesting a vacation of the utility easement, subject to granting a utility easement back to the City in a different area.

MOTION BY BOB DUNCKEL TO RECOMMEND APPROVAL OF THE VACATION OF THE UTILITY EASEMENT, SUBJECT TO THE DEVELOPER BEARING ALL COSTS WITH RESPECT TO THE RELOCATION OF THE UTILITIES, AND LEAVING IT TO THE DISCRETION OF THE CITY ATTORNEY'S OFFICE AS TO SEQUENCING WITH ENGINEERING CERTIFICATES, AND SUBJECT TO DEDICATION OF A WIDER PEDESTRIAN EASEMENT THAN WHAT ALREADY EXISTS.

Peter Partington asked about the neighborhood's position on the issue. Bob Dunckel said there is a private declaration of restrictive covenants as a result of the first vacation that has not fully been implemented and in order for it be modified, the HOA would have to signoff.

MOTION SECONDED BY TONY IRVINE.

Donald Bastedo with the HOA said the developer has addressed all of their concerns and they are satisfied.

Peter Partington asked if the improvements that were developed by someone in the past would be constructed as part of the development. Mr. Lochrie said yes, the City Commission wanted a plan to be submitted and a bond issued for the value of the improvements.

Tom Terrell asked about a previous requirement that an 8-inch water main be moved.

Discussion followed as to existing valves, water lines, proposed relocation process of the new utility easement, tying in the water main to fire protection, shortening the service and making sure it ties in to the new water main.

Tony Irvine asked where the building footprint was. Mr. Lochrie said it is approximately 20-feet at the closest point to the property line.

James Cromar said the bus shelter easement on the NE corner is 8-feet x 6-feet, smaller than the typical size (8-feet x 14-feet), and the County is acceptable to the size if the City is. Peter Partington said the City is acceptable. Kathy Connor asked who would be maintaining the full stretch of the retaining wall on the northern side, and who would be responsible for the maintenance. Mr. Lochrie said there is an agreement with the HOA that the developer will maintain the area.

MOTION AMENDED BY BOB DUNCKEL TO RECOMMEND APPROVAL OF THE VACATION OF THE UTILITY EASEMENT, SUBJECT TO DISCRETION OF THE CITY ATTORNEY'S OFFICE WORKING WITH THE CITY ENGINEER'S OFFICE AS TO HOW IT SHOULD BE SEQUECED WITH THE NEW UTILITY DEDICATION, AND THE FILING OF AN ENGINEER'S CERTIFICATE WITH ALL RELOCATION COSTS OF UTILITY BEING BORNE BY THE DEVELOPER, THE CITY APPROVING THE REALIGNING OF THE PEDESTRIAN EASEMENT, AND LEAVING IT TO THE DISCRETION OF THE CITY ATTORNEY'S OFFICE AND THE CITY ENGINEER'S OFFICE AS TO HOW TO BEST STRUCTURE MAINTENANCE RESPONSIBILITIES IN THIS AREA WITH REGARD TO THE PEDESTRIAN AREA, VIS-A-VIS THE CITY.

SECONDED BY TONY IRVINE.

MOTION PASSED UNANIMOUSLY.

ITEM FOUR: TEMPORARY CLOSURE OF STREETS (MOT)

Address or General Location: southwest corner of NE 3 Avenue and NE 2 Street

Victor Volpi introduced item stating Danny Bivens with Exchange Tarragon, LLC, would like your positive recommendation to close parts of N. E. 3 Avenue and N. E. 2 Street at various times (Phases I through Phase VII). Victor Volpi introduced Danny Bivens.

Scott Hendrix said he is here on behalf of Exchange Tarragon, LLC, as Danny Bivens was not able to attend. Mr. Hendrix said they are proposing a seven-phase closure process; five phases would be lane closures and two would be temporary. Mr. Hendrix said they are currently working with Broward County, as a MOT permit was submitted and approved for an 18-month closure by their Engineering Department, but not the Traffic Department. Mr. Hendrix explained that the process has been broken down to various phases as to when the areas would have to be accessible for construction use. Bob Dunckel said if approved, it would be for the sidewalk, not 3rd Avenue. Peter Partington explained that 3rd Avenue was a County road; therefore, the City could not give approval to close the lanes. Mr.

Hendrix said they have a County permit to close the lane and sidewalk on 3rd Avenue, and asked if this was incorrect. Tony Irvine said the City and the County would have a say on the sidewalk. Bob Dunckel said if approved, a Revocable License would only include the sidewalk and a provision could be added to include 3rd Avenue, conditioned upon County approval.

Peter Partington asked about the extended lane closures and how long the lane on 2nd Street would be closed. Mr. Hendrix said 2nd Street closure (Phase II) would be 8 weeks, and 3rd Avenue closure (Phase I) would be closed first allowing work to be done on the east side of the building. Mr. Hendrix said the building is up against the backside of the sidewalk; they do not have any open space or green area for construction to be done safely. Mr. Hendrix said they intend to work on the east side first, close 3rd Avenue and the sidewalk, divert the pedestrian walkway across 3rd Avenue to the east side, cross the pedestrians at Broward Boulevard, and the duration would be 6 weeks. Mr. Hendrix said they would then move to 2nd Street, close one east bound lane and sidewalk next to their building, and cross pedestrians at Andrews Avenue. Mr. Hendrix said pedestrians would have access on the north side of 2nd Street, through the intersection of NE 3 Avenue and 2nd Street where they would be able to cross at that signal, and the duration would be 8 weeks.

Peter Partington said there might be a problem if pedestrians do not join the sidewalk to the east of Andrews Avenue and they walk down to where the sidewalk is closed. Bob Dunckel pointed out at certain times during the day, there are numerous vehicles entering/leaving through the curb cuts. Peter Partington said the intersection radius at the northeast corner is very tight and seems to be causing problems.

James Cromar asked if barricades would be used and pointed out that other cities maintain a protected environment for pedestrians during construction. Mr. Hendrix said due to the space provided, it is virtually impossible to accommodate that. James Cromar asked if closing more lanes would provide a safer environment. Mr. Hendrix said the biggest conflict is a power pole on the sidewalk at NE 2nd Street. James Cromar asked if they needed one lane for the time being. Mr. Hendrix said yes.

Discussion followed as to the various phases involved, road closures and barriers, sidewalk closures, vehicular lanes, the walkway, location of equipment, a 5-foot space carved out for pedestrians to walk where water filled barriers would be, insufficient space between the utility poles and the barriers, the City requiring that the applicant provide space for pedestrians/cars.

Peter Partington suggested that the applicant put two temporary white lines across the road, turning it into a temporary crosswalk. Peter Partington asked if the lane closure on 2nd Street would be for a limited duration. Mr. Hendrix said twelve weeks, which includes Phase 2 and Phase 3, sidewalks only.

Discussion followed as to lane closure for Phase 4 and Phase 5, storage of material, parking for construction workers, and where machines would be parked at the end of the day.

Mr. Hendrix said machines would be parked in the applicant's parking lot, when the outside of the building is closed up the barricades would be moved to the sidewalk, a vehicular lane would be opened and the sidewalk would then become the workable area.

Discussion followed as to safely crossing the pedestrians, Phase 2 having a sidewalk west of the building, putting lines on the pavement and a temporary cross mark.

Bob Dunckel asked if the item would go through a more technical phase through Tim Welch and the Engineering Department. Peter Partington said procedurally, the applicant would need a Revocable License and a MOT permit from the City and after working with Tim Welch, a recommendation would be made along the lines of a technical suggestion with respect to pedestrians. Tony Irvine said he recently spoke to Tim Welch who stated that he felt confident the plan was workable and suggested limiting the time involved.

Discussion followed as to the barriers on 2nd Street going down the middle or on the double yellow lines, and barriers being knocked down by right turning vehicles traveling south to west.

MOTION BY TONY IRVINE TO RECOMMEND APPROVAL OF A REVOCABLE LICENSE FOR THE PROPOSED CLOSURE, BASED ON REVIEW BY THE CITY ATTORNEY'S OFFICE, AND REVIEW AND EVENTUAL ACCEPTANCE OF A MOT BY THE ENGINEERING DEPARTMENT. SECONDED BY JAMES CROMAR.

Victor Volpi asked if this included temporary marked crosswalk. Tony Irvine said he would like Tim Welch to work out those details, following the acceptance of a MOT.

MOTION AMENDED BY PETER PARTINGTON TO ADD, "SUBJECT TO WORKING WITH TIM WELCH ON THE IDEA OF A TEMPORARILY MARKED CROSSWALK JUST WEST OF THE APPLICANT'S BUILDING". SECONDED BY BOB DUNCKEL.

MOTION PASSED UNANIMOUSLY.

ITEM FIVE: **SALE OF CITY OWNED PROPERTY**
704 N. FEDERAL HIGHWAY, DANIA

Address or General Location: 704 N Federal Highway, Dania

Victor Volpi introduced item stating that the City owns approximately 10 acres of land along the Dania Cutoff Canal, just east of the airport, which is accessed off of US-1, (near old Griffin Road). He said the property has always been used to plant and store trees, for landscaping City parks, etc. Victor Volpi said over the past four (4) years, the Parks and Recreation Department has leased the majority of this property to Dania Farms, which is a private nursery. Victor Volpi said they have always wanted to purchase the property and have had a symbiotic relationship with the City regarding running the two nurseries. He said once again, they have asked that the City declare the property surplus and sell it to the highest bidder.

Victor Volpi said the Parks and Recreation Department wish to keep 1.93 acres to operate and have use of a small nursery, which would include a 100-foot x 260-foot easement along the water. Victor Volpi said Dania Farms is requesting your positive recommendation to surplus the property. Victor Volpi said the Real Estate Office would get the proper appraisals, advertising, etc., that will be necessary to sell the property at a fair market value. Victor Volpi pointed out that there are conditions as to keeping an easement along the water and limiting the City's marketability. Victor Volpi introduced Phil Thornburg.

Phil Thornburg clarified that Dania Farms did not request the proposed surplus of the parcel, the City did. Phil Thornburg said approximately four years ago the Dania Farms asked the City to sell or lease the property. Phil Thornburg said the City decided to lease, but now wish to sell.

Tony Irvine asked about the revenue that the City receives from the lease. Phil Thornburg said the revenue is approximately \$8,000.00 a year, the area is under Florida Power and Light (FPL) power lines, and there is limited usage due to numerous restrictions. Victor Volpi said the land is worth at least \$80,000.00 and the property could sell for \$100,000.00 - \$2,000,000.00.

Bob Dunckel asked about the intended use of the property. Phil Thornburg said it is a holding nursery for trees purchased in bulk for the City or given to the City.

Discussion followed as to an access easement to the property, the property being of more value if the easement ran all the way to the Dania Cutoff Canal, avoiding a land lock situation, and/or configuring an easement to access from the north.

Peter Partington asked if anyone could buy the property. Victor Volpi said any nurseryman would want the property, but it is currently not marketable as there is no ingress/egress easement to get to the location. Peter Partington said no one else would bid on the property. Bob Dunckel said in order to sell, there has to be ingress/egress rights. Tony Irvine said he feels the City should not surplus at this time, as Dania Farms might be the only bidder. Tony Irvine said he is concerned about the true market value of the property and if the City continues to lease, at least there would be revenue.

Bob Dunckel said the City should obtain more information before making any decisions, and given the current configuration if the property was put out for bid there are obvious problems. Peter Partington pointed out that the lease was up. Bob Dunckel explained that when a lease is up, the tenant becomes a "tenant of sufferance", the rent would continue quarter to quarter, therefore the City would not be deprived of a revenue stream. Tony Irvine asked about renewed the lease for another year since the process of approving the request to surplus could take at least six months. Bob Dunckel explained that the charter allows for a one-year lease, and the City would have to go through a more elaborate process if the time period was extended.

Victor Volpi suggested the City consider building a road to the north allowing an ingress/egress easement through Dania Farms making the property more valuable. Tony Irvine said the City should take a closer look at increasing the value of the property. Bob Dunckel said he would like to meet with Victor Volpi and Tony Irvine to discuss the various rights that the City has with regard to the roadways, look at the alternatives, and determine what would be the most marketable plan to pursue.

MOTION BY BOB DUNCKEL TO TABLE. SECONDED BY TONY IRVINE.

MOTION PASSED UNANIMOUSLY.

ITEM SEVEN: **VACATION – 15-FOOT UTILITY EASEMENT**

Address or General Location: 230 SW 32 Street

Victor Volpi introduced item stating that Sarah Stewart, with Lewis Marine Supply would like your positive recommendation to vacate a 15-foot utility easement. He said the easement was left over from the platted road vacation and was never used. Victor Volpi introduced Sarah Stewart.

Ms. Stewart said she represents Lewis Marine Supply, the plat shows the right-of-way was vacated, there was no mention of vacating the underlining utility easement when the right-of-way was vacated; and believes the utility easement is still there. Ms. Stewart said the applicant applied for a building permit, believes the easement was not noticed or was determined to be irrelevant, and the building has existed since 1983. Ms. Stewart said the mortgage company suggested that the applicant address the easement issue.

Discussion followed as to the applicant providing letters of approval from utility companies, getting prior approval from the City Surveyor, the Engineering Design Manager, DRC, and Water Works 2011.

MOTION BY BOB DUNCKEL TO RECOMMEND APPROVAL OF THE PROPOSED VACATION, SUBJECT TO ASCERTAIN WHETHER THERE IS ANY CITY UTILITIES AND THE COST OF RELOCATION BEING BORNE BY THE PROPERTY OWNER. SECONDED BY JULIE LEONARD.

MOTION PASSED UNANIMOUSLY.

ITEM EIGHT: USE OF CITY CONTROLLED PROPERTY (PARCEL 2)

Address or General Location: 1540 SE 17 Street

Victor Volpi introduced item stating that Ill T Ltd., (next to Adell Marina, Inc.) would like your positive recommendation to use City owned property for required landscaping and parking. Victor Volpi introduced Robert Lochrie.

Mr. Lochrie said that there have been current disputes as to who actually owns the parcel in question and the City Attorney's Office advised they bring their proposal to PROW for review and advise. Mr. Lochrie said his client wishes to close on a piece of property adjacent to the property in question to incorporate the area into parking and landscaping in conjunction with an office building expansion.

Mr. Lochrie said in 1999, the City Commission approved this portion of the right-of-way, which was obtained for public road and utility purposes, conditions upon the original approval were that the area vacated be retained as a utility easement and the applicant of the vacation dedicate a utility easement back to the City. Mr. Lochrie said the area has not being used for right-of-way purposes; his client has run into problems at closing and would like to resolve the issue. Mr. Lochrie pointed out that the City owns all of the right-of-way and someone who did not have the authority to do so may have granted the easement. Mr. Lochrie said if determined that the applicant did not have title to the proposed property, he would like to suggest that the City Code provide a provision for an off site parking agreement. Bob Dunckel said for an off street parking agreement to work there would have to be a 50-year lease. Bob Dunckel read the Code of Ordinances, Volume 2, ULDR, Section 47-20.18 (D) as follows: "owner" shall be deemed to include lessees of the property under long term leases wherein the lessee's right to possession of the period of not less than fifty (50) years.

Tony Irvine said the proposed strip of land was transferred to the City fee simple, it is not a right-of-way, the grant was for road and utility purposes, the City may have quit the road purposes, but since

the City has two force mains at the site the utility purposes have not been relinquished. Mr. Lochrie pointed out that the utility is not what was retained; it was part of the vacation. Bob Dunckel stated that part of the roadway easement was on the applicant's property, if there were any question as to title the City would want that from abutting property owner to eliminate any claim that that travels free of a roadway easement.

Discussion followed as to the City having a utility and roadway easement, the uncertainties as to who actually owns the property, there being a likelihood that it is City owned, and the applicant trying to come up with a mechanism that allows them to implement their plan.

Bob Dunckel recommended that the City lease the property to the applicant for a 50-year period, subject to what ever safeguards would be required to pump in the City's force main. Discussion followed as to and off site parking agreement once the property is leased, and working out details with the Zoning Department.

Mr. Lochrie explained that they would prefer an easement or something longer than 50-years. Bob Dunckel said after evaluating the situation they have decided against the idea of an easement, but agreed to a 50-year lease. James Cromar asked about security issues in the vicinity. Bob Dunckel said there would be certain conditions in the lease with regard to protection of the force main.

Discussion followed as to who would be taking the responsibility of evaluating the lease.

MOTION BY PETER PARTINGTON TO RECOMMEND APPROVAL OF A 50-YEAR LEASE BY THE CITY TO THE APPLICANT, SUBJECT TO THE VARIOUS DEPARTMENTS HAVING AN INPUT AS CORDINATED BY THE REAL ESTATE OFFICE TO THE TERMS OF THE LEASE, AND SUBJECT TO ADVICE FROM THE REAL ESTATE OFFICE ON THE VALUE OF THE LEASE, AND WITH SECURITY CONSIDERATIONS TO BE EXPLICITLY CONSIDERED DURING THE PREPARATION OF THE TERMS OF THE LEASE.

Tony Irvine suggested modifying the motion to grant a lease or an easement, and should be determined upon review by the City Attorney's Office. Peter Partington said if determined that an easement should be granted, the proposal should come back to the PROW Committee for further discussions, as Committee members should be prepared to answer questions by the City Commission in regard to this topic. Motion not amended.

SECONDED BY BOB DUNCKEL.

Discussion followed as to security issues in the area. Peter Partington said those issues will be addressed in the terms of the lease.

MOTION PASSED UNANIMOUSLY.

ITEM SIX: EASEMENT TO BROWARD COUNTY

Address or General Location: 3201 NW 19 Street

Victor Volpi introduced item stating that Frank Snedaker, Chief Architect would like your positive recommendation to give Broward County an easement over City owned property for the purpose of

connecting a force main to the County system. He said this property is part of Sunset Memorial Gardens Cemetery, which the City has owned since 1959. Victor Volpi introduced Frank Snedaker.

Mr. Snedaker said the City is developing the last section of Sunset Memorial Gardens, the City is developing a small grinder pump that will serve the new administration building, and the grinder pump has a small force main which ties into the Broward County system. Mr. Snedaker said the City owned parcel is surrounded by four sides of incorporated Broward County, makes connection at the intersection of NW 19 and 31 Avenue, and the County has requested that the City grant them an easement so they can access the connections to the system at later date.

Discussion followed as to the easement being approximately 10-foot x 10-foot, the equipment being on City owned property, the size required for the pipe to make the connection between County lines and City lines, there being a number of valves involved and the valves belonging to the County, the easement located on City owned property, the area not being part of the cemetery plot, and the City no longer using the area.

**MOTION BY BOB DUNCKEL TO RECOMMEND APPROVAL OF PROPOSED REQUEST.
SECONDED BY TOM TERRELL.**

Discussion followed as to amending the motion to include termination of the easement after Broward County completes the proposed project, removal of the City force main, extensive sewer connection of approximately 700 feet, abandonment of the use, and the City owning the manhole. Motion not amended.

MOTION PASSED UNANIMOUSLY.

Meeting adjourned at 12:10 p.m.